

**REGULAR MEETING OF THE COMMON COUNCIL
OF THE CITY OF PLATTSBURGH, NEW YORK**

February 2, 2012

5:30 P.M.

MINUTES

Present: Mayor Donald Kasprzak, Councilors Tim Carpenter (W1), Mark Tiffer (W2), George Rabideau (W3), Jim Calnon (W4), Chris Case (W5), Chris Jackson (W6)

Absent: **Councilor Tim Carpenter (W1)**

1. MINUTES OF THE PREVIOUS MEETING:

RESOLVED: That the Minutes of the regular meeting of the Common Council held on January 26, 2012 are approved and placed on file among the public records of the City Clerk's Office.

By Councilor Case; Seconded by Councilor Calnon
Roll call: Councilors Tiffer, Rabideau, Calnon, Case, Jackson
(All voted in the affirmative)

2. PAYROLLS OF VARIOUS DEPARTMENTS:

RESOLVED: That the payrolls of the various Departments of the City of Plattsburgh for the week ending February 1, 2012 in the amount of \$ 274,805.54 are authorized and allowed and the Mayor and the City Clerk are hereby empowered and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Jackson; Seconded by Councilor Case
Roll call: Councilors Tiffer, Rabideau, Calnon, Case, Jackson
(All voted in the affirmative)

3. REPORTS OF CITY OFFICES & COMMITTEE REPORTS:

- Report of Fire and Ambulance Responses for the week of January 26 – February 1, 2012
- Report from the Building Inspector's Office from January 24 – January 30, 2012

RESOLVED: That the reports as read are hereby ordered, received and placed on file among the public records of the City Clerk's Office.

By Councilor Rabideau; Seconded by Councilor Case
Roll call: Councilors Tiffer, Rabideau, Calnon, Case, Jackson
(All voted in the affirmative)

4. CORRESPONDENCE & RECOMMENDATIONS FROM BOARDS: None

5. **AUDIT OF CLAIMS:**

RESOLVED: That the bills Audited by the Common Council in the amount of \$ 440,585.86 are authorized and allowed and the Mayor and City Clerk (where required) are hereby authorized and directed to sign warrants drawn on the City Chamberlain for the payment thereof.

By Councilor Case; Seconded by Councilor Calnon
Roll call: Councilors Tiffer, Rabideau, Calnon, Case, Jackson
(All voted in the affirmative)

6. **PERSONS ADDRESSING COUNCIL: None**

7. **OTHER ITEMS:**

A. RESOLVED: In accordance with the request therefore the Common Council approves that PMLD Bid No. 2011-12-1 "Utility Wood Poles" be awarded to Thomasson Company in the total amount of \$11,078.40.

By Councilor Jackson; Seconded by Councilor Case
Discussion: None
Roll call: Councilors Tiffer, Rabideau, Calnon, Case, Jackson
(All voted in the affirmative)
ACTION TAKEN: Adopted
Follow up Action: None

B. RESOLVED: In accordance with the request therefore the Common Council approves Keith Herkalo to reproduce portions of the images generated for the Heritage Trail interpretive signage for use as illustrations in the reprinting of his book "September Eleventh 1814: the Battles at Plattsburgh which will be released nationally in the early summer of 2012.

By Councilor Case; Seconded by Councilor Calnon
Discussion: None
Roll call: Councilors Tiffer, Rabideau, Calnon, Case, Jackson
(All voted in the affirmative)
ACTION TAKEN: Adopted
Follow up Action: None

C. RESOLVED: In accordance with the request therefore the Common Council approves continuing the contract with Ron Santor as the "Basic Academy Director" for 2012 for the total cost of \$15,000.

By Councilor Case; Seconded by Councilor Calnon
Discussion:

Councilor Case said do we average one academy per year?

Mayor Kasprzak said yes.

Roll call: Councilors Tiffer, Rabideau, Calnon, Case, Jackson
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

D. RESOLVED: In accordance with the request therefore the Common Council approves continuing the contract with Ron Santor as the Police Department's "Training Director" for 2012 for the total cost of \$20,000.

By Councilor Calnon; Seconded by Councilor Case

Discussion: None

Roll call: Councilors Tiffer, Rabideau, Calnon, Case, Jackson
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

E. RESOLVED: In accordance with the request therefore the Common Council approves continuing the contract with James Burgess as the Nuisance Animal Control Officer for 2012 for the total cost of \$25,000.

By Councilor Rabideau; Seconded by Councilor Case

Discussion: None

Roll call: Councilors Tiffer, Rabideau, Calnon, Case, Jackson
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

F. RESOLVED: In accordance with the request therefore the Common Council approves continuing the contract with ELMORE SPCA, INC. for Animal Shelter Services for 2012 for the sum of \$10,868.

By Councilor Jackson; Seconded by Councilor Case

Discussion:

Councilor Jackson said is this different then what we did with the cats and Eagle Feathers?

Mayor Kasprzak said yes.

Councilor Jackson said this is if we get strays. This is a per use basis.

Mayor Kasprzak said yes I think we are legally required to do this.

Councilor Case said how do we come to the Cost?

City Clerk Keith Herkalo said they are a preferential provider as the SPCA and the second part is they are actual normal costs and then it's negotiated from there.

Roll call: Councilors Tiffer, Rabideau, Calnon, Case, Jackson
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

G. RESOLVED: In accordance with the request therefore the Common Council approves the Community Development Office to advertise for bids for Housing Rehab (16 Elizabeth Street – Jock).

By Councilor Tiffer; Seconded by Councilor Case

Discussion: None

Roll call: Councilors Tiffer, Rabideau, Calnon, Case, Jackson
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

H. ADOPTION OF LOCAL LAW P-1 OF 2012

RESOLVED: Local Law P-1 of 2012 amending in its entirety City Code § Section **257-15 C** and setting water service rates and enacting regulations for levy and collection of water charges. The entire text of which has been distributed to and read by the members of the Common Council, is hereby enacted without the reading thereof and a copy of said local law is made part of the minutes of this meeting.

By Councilor Jackson; Seconded by Councilor Case

Discussion: None

Roll call: Councilors Tiffer, Rabideau, Calnon, Case, Jackson
(All voted in the affirmative)

ACTION TAKEN: Adopted

Follow up Action: None

8. TRAVEL REQUEST: NONE

9. RESOLUTIONS FOR INITIAL CONSIDERATION:

1. Request from the Autism Awareness Walk Committee to hold their annual Walk at the Oval on Saturday April 28, 2012 and that the inside lane of the US Oval be closed from traffic during the actual Walk (11 – 11:45 am).

2. Request from Bill Treacy, Manager MLD to advertise for sealed bid for PMLD BID NO. 2012-2-1 "Purchase Revenue Electric Meters." Bid Opening Date: March 6, 2012 at 11:00 am.
3. Request from Bill Treacy Manager MLD for Change Order #3 to PMLD 2011-7-1 "115 kV Relay Testing" in the total amount of \$13,950.
4. Request from Mike Brodi, Department of Public Works Superintendent to enter into a contract with Whites Forest Products to purchase and remove "damaged timber that was blown down or knocked down during Hurricane Irene."

Councilor Rabideau said the original contract didn't include this particular work which is the removal of this damaged timber which is in addition to the original contract. My question to you would be do we need to go to bid on this additional work to be done which receives a payment of \$50,000.

Corporation Counsel John Clute said the estimated value of the wood that is out there is \$50,000. Oddly enough when you are selling municipal property which is what this is once it is severed from the real estate. There isn't any state law or city law that you formally bid the sale of the property. There is this general duty that officials have to secure the best price possible for the taxpayer. The way that you normally do that when we sell our scrap metal at the MLD yard we go out to bid on those things. It is the easiest the safest, the safest I mean, nobody can really question whether you got the best possible price when you use that mechanism. This situation was a bit unusual there were a couple of things. Whether it was the time factor with the roads closing March 15th and also the fact that wood itself the longer it is left in that condition the stains greatly reduce the value at least of the saw logs I guess. There were some time considerations. Whether or not you feel there's sufficient facts to support finding if you went with this bid it would really represent the best price the city could get. I suppose the most persuasive point the forester made to me was that the condition of this timber it's not really standing timber its blow down timber it kind of looks like those jack sticks. It's the kind of job that requires somebody to exert quite a bit of additional effort in order to maximize the saw log potential there. Some people don't want to be bothered. That was the main point that she made she has been in the business a long time she has no relationship with this logger. The other point she made was one which probably accounted to the price they had tentatively agreed to was the White has access or owns some property that's on the other side of the Akey Landfill. The only access we can provide to other loggers is on Akey Road this guy has property on the other side so he has two sides to access and do the logging and he can presume to offer a better price to the City. So these were the reasons she gave me that she thought it was in the best interest of the city to go with this guy. I know it's not as clean as if we bid it out but it is ample justification.

Councilor Rabideau said so my question basically is there is no legal requirement for us to go out to bid

Corporation Counsel John Clute said not to formal bid.

Councilor Calnon said it seems to me there is probably two pieces of evidence in the file that indicate this is the best deal we can get. One of them is a logistical advantage that he has because of adjacent property and the other is in our recent bid history he was the best bidder by a very wide margin. So I am reasonably comfortable that this is the best deal we can get. I'd be even more comfortable if the forester would actually

by phone contact between now and next week do a spot check with at least one other potential to get some sense is our assumption that these two factors really lead us to this point reinforced by some evidence. Not a formal bid process but some sense of that and I don't know if that's possible in a week or not.

Corporation Counsel John Clute said the way we left it is she said "she will do whatever you want me to do. If the Council wants me to get a couple of price quotes from other people, I will do that. If I do that I would like to ask for quotes from a couple of other people that I think would be your second and third best choices other people who in my judgment could do a decent job on this." I'm sure she's pretty clear that she thinks Whites by far and away would be the best but she said it was something she could do. But we do need to give enough information to the people we ask to give us a price so they have the same information.

Mayor Kasprzak said what is the general consensus of the Council?

Councilor Jackson said I'm used to that with the college just get 3 quotes.

Department of Public Works Superintendent Mike Brodi said I already requested that already based on information I got from Mr. Clute to get other prices.

Mayor Kasprzak said ok we will pursue it that way and I am very confident that we will be fine with whatever comes back and we can vote on this next week.

5. Request from Bill Treacy Manager MLD for Tim Carter to attend "Traffic Signal Training" in Syracuse, NY from February 26 – March 2, 2012 at a cost not to exceed \$1,125.

10. NEW BUSINESS: None

11. CLOSING PUBLIC COMMENTS: None

Motion to Adjourn by Councilor Jackson; Seconded by Councilor Tiffer

Roll call: Councilors Tiffer, Rabideau, Calnon, Case, Jackson

(All voted in the affirmative)

MEETING ADJOURNED: 5:46 pm